

REMARKS / DISCUSSION OF ISSUES

Claims 21-30 are pending in the application.

The Office action rejects claims 21-24 under 35 U.S.C. 102(b) over lino (USPA 2003/0001994). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 21, upon which claims 22-24 depend, claims a transfective display device that includes a patterned optical layer that includes a pattern of pairs of first area segments and second area segments, wherein the first area segments provide a first optical retardation and the second area segments provide a second optical retardation that is substantially less than the first optical retardation.

lino fails to teach a patterned optical layer wherein first area segments provide a first optical retardation and second area segments provide a second optical retardation that is substantially less than the first optical retardation.

The Office action asserts that lino teaches a patterned optical layer having different optical retardations at layers 141/142. The applicants respectfully disagree with this assertion. lino's layers 141/142 are color filter layers, and not optical retardation layers, as the term optical retardation is used in the art, and as it is used in both lino and the applicants' specification. As is well known in the art, optical retarders affect the polarization angle of the light passing through the retarder.

lino specifically teaches that layer 108 is an optical retardation layer; lino does not teach that layers 141/142 are optical retardation layers. lino teaches that layer 141 is a "selective-reflection color filter... that selectively reflects light in a predetermined wavelength range", and layer 142 is a "selective-transmission color filter... that selectively transmits light in a predetermined wavelength range". lino

does not teach that the layers 141/142 affect the polarization angle of the light being selectively reflected or transmitted.

As is known in the art, a color filter is not equivalent to an optical retarder, and thus neither of lino's patterned filter layers can be said to be identical to the applicants' claimed patterned optical retardation layer.

Because lino fails to teach a patterned optical layer wherein first area segments provide a first optical retardation and second area segments provide a second optical retardation that is substantially less than the first optical retardation, as specifically claimed in claim 21, the applicants respectfully maintain that the rejection of claims 21-24 under 35 U.S.C. 102(b) over lino is unfounded, per MPEP 2131.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, including the withdrawn claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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